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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,687	09/20/2000	Kentoku Yamasuchi	04329/2423	9847

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
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EXAMINER
MILLER, BRANDON J

ART UNIT	PAPER NUMBER
2683	

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/665,687	Applicant(s) YAMASUCHI ET AL.	
	Examiner Brandon J Miller	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 May 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/5/2003 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3 and 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jarett in view of Haartsen and Willars.

Regarding claim 1 Jarett teaches a communication terminal having a first radio unit configured to make radio communication with a base station, which is connected to a calling party, over a first radio channel having a first radio frequency band, and a second radio unit configured to make radio communication with another communication terminal by using a second radio channel having a second radio frequency band (see col. 3, lines 62-67, col. 4, lines 1-10, col. 47, lines 61-65). Jarett teaches establishing a first radio channel to a base station through a first radio unit and establishing a second radio channel to another communication

terminal through a second radio unit (see col. 3, lines 62-66 and col. 4, lines 1-8). Jarett teaches a communication channel between a calling party and another communication terminal can be established via a second radio unit (see col. 3, lines 62-67, col. 4, lines 1-8, and col. 19, lines 48-52). Jarett does not teach a control section configured to connect a first radio channel to another communication terminal via a second radio channel, such that a communication channel between a calling party and another communication terminal can be established via a second radio unit. Haartsen teaches a control for connecting a base station to another communication terminal over a first and second radio channel (see col. 6, lines 40-45). Willars teaches connecting a first radio channel to another communication terminal via a second radio channel, such that a communication channel between a calling party and another communication terminal can be established via a second radio unit simultaneously (see abstract, col. 7, lines 15-25 & 37-42 and col. 14, lines 24-36). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the Jarett adapt to include a control section configured to connect a first radio channel to another communication terminal via a second radio channel, such that a communication channel between a calling party and another communication terminal can be established via a second radio unit because this would allow for a method of selecting a channel for executing a communication from various communication channels.

Regarding claim 2 Jarett teaches a communication terminal that includes a master device connected to a public network over a wired channel (see col. 4, lines 6-9 and col. 9, lines 15-19).

Regarding claim 3 Jarett teaches another communication terminal that can make a second call connection through a base station to a calling party in accordance with a telephone number (see col. 10, lines 18-20 & 40-45). Jarett does not teach receiving a telephone number from a

calling party connected to a base station when a radio channel to base station is connected by a first channel establishing section and a control that transfers an obtained telephone number to another communication terminal through a second radio channel, such that another communication terminal can make a second call through a base station to a calling party in accordance with a telephone number. Haartsen teaches receiving a telephone number from a calling party connected to a base station when a radio channel to base station is connected by a first channel establishing section and a control that transfers an obtained telephone number to another communication terminal through a second radio channel (see abstract, col. 6, lines 40-49 & 49-55 and FIG. 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include receiving a telephone number from a calling party connected to a base station when a radio channel to base station is connected by a first channel establishing section and a control that transfers an obtained telephone number to another communication terminal through a second radio channel, such that another communication terminal can make a second call through a base station to a calling party in accordance with a telephone number because this would allow for communication connections between two uncoordinated networks.

Regarding claim 6 Jarett teaches a communication terminal having a first radio unit configured to make radio communication with a base station, which is connected to a calling party, over a first radio channel having a first radio frequency band, and a second radio unit configured to make radio communication with another communication terminal by using a second radio channel having a second radio frequency band (see col. 3, lines 62-67, col. 4, lines 1-10, col. 47, lines 61-65). Jarett teaches establishing a first radio channel to a base station

through a first radio unit and establishing a second radio channel to another communication terminal through a second radio unit (see col. 3, lines 62-66 and col. 4, lines 1-8). Jarett teaches a communication channel between a calling party and another communication terminal can be established via a second radio unit (see col. 3, lines 62-67, col. 4, lines 1-8, and col. 19, lines 48-52). Jarett does not teach a control section configured to connect a first radio channel to another communication terminal via a second radio channel, such that a communication channel between a calling party and another communication terminal can be established via a second radio unit. Haartsen teaches a control for connecting a base station to another communication terminal over a first and second radio channel (see col. 6, lines 40-45). Willars teaches connecting a first radio channel to another communication terminal via a second radio channel, such that a communication channel between a calling party and another communication terminal can be established via a second radio unit simultaneously (see abstract, col. 7, lines 15-25 & 37-42 and col. 14, lines 24-36). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the Jarett adapt to include a control section configured to connect a first radio channel to another communication terminal via a second radio channel, such that a communication channel between a calling party and another communication terminal can be established via a second radio unit because this would allow for a method of selecting a channel for executing a communication from various communication channels.

Regarding claim 7 Jarett teaches a communication terminal that includes a master device connected to a public network over a wired channel (see col. 4, lines 6-9 and col. 9, lines 15-19).

Regarding claim 8 Jarett, Haartsen, and Willars teach a device as recited in claim 6 except for receiving a telephone number from a calling party connected to a base station when a

radio channel to base station is connected by a first radio unit, transferring an obtained telephone number to another communication terminal through a second radio unit and making a second call to a calling party from another communication terminal in accordance with a telephone number. Haartsen does teach receiving a telephone number from a calling party connected to a base station when a radio channel to base station is connected by a first radio unit and transferring an obtained telephone number to another communication terminal through a second radio unit (see abstract, col. 6, lines 40-49 & 49-55 and FIG. 3). Haartsen does teach making a call to a calling party from another communication terminal (see col. 7, lines 52-56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include receiving a telephone number from a calling party connected to a base station when a radio channel to base station is connected by a first radio unit, transferring an obtained telephone number to another communication terminal through a second radio unit and making a second call to a calling party from another communication terminal in accordance with a telephone number because this would allow for a mobile assisted handover in a radio communication network without call interruption.

Regarding claim 9 Jarett, Haartsen, and Willars teach a device as recited in claim 6 except for receiving a telephone number from a calling party connected to a base station when a radio channel to base station is connected by a first radio unit, transferring an obtained telephone number to another communication terminal through a second radio unit and making a second call to a calling party from a master device for connecting a radio channel in accordance with a telephone number. Jarett does teach a communication terminal that includes a master device connected to a public network over a wired channel (see col. 4, lines 6-9 and col. 9, lines 15-19).

Haartsen does teach receiving a telephone number from a calling party connected to a base station when a radio channel to base station is connected by a first radio unit and transferring an obtained telephone number to another communication terminal through a second radio unit (see abstract, col. 6, lines 40-49 & 49-55 and FIG. 3). Haartsen does teach making a call to a calling party from another communication terminal (see col. 7, lines 52-56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include receiving a telephone number from a calling party connected to a base station when a radio channel to base station is connected by a first radio unit, transferring an obtained telephone number to another communication terminal through a second radio unit and making a second call to a calling party from a master device for connecting a radio channel in accordance with a telephone number because this would allow this would allow for a mobile assisted handover in a radio communication network without call interruption.

Regarding claim 10 Jarett, Haartsen, and Willars teach a device as recited in claim 6 except for receiving a telephone number from a calling party connected to a base station when a radio channel to base station is connected by a first radio unit, transferring an obtained telephone number to another communication terminal through a second radio unit and making a second call to a calling party from a master device connecting to a public network over a wired channel in accordance with a telephone number. Jarett does teach a communication terminal that includes a master device connected to a public network over a wired channel (see col. 4, lines 6-9 and col. 9, lines 15-19). Haartsen does teach receiving a telephone number from a calling party connected to a base station when a radio channel to base station is connected by a first radio unit and transferring an obtained telephone number to another communication terminal through a

second radio unit (see abstract, col. 6, lines 40-49 & 49-55 and FIG. 3). Haartsen does teach making a call to a calling party from another communication terminal (see col. 7, lines 52-56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include receiving a telephone number from a calling party connected to a base station when a radio channel to base station is connected by a first radio unit, transferring an obtained telephone number to another communication terminal through a second radio unit and making a second call to a calling party from a master device connecting to a public network over a wired channel in accordance with a telephone number because this would allow for a mobile assisted handover in a radio communication network without call interruption.

Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jarett in view of Haartsen.

Regarding claim 11 Jarett teaches a communication terminal having a radio section configured to establish a radio channel to a radio communication device connected to a base station (see col. 3, lines 62-67, col. 4, lines 1-10, col. 47, lines 61-65). Jarett does not teach receiving a telephone number over a radio channel or ceasing an established radio channel and originating a call to a party with a received telephone number. Haartsen teaches receiving a telephone number over a radio channel (see col. 6, lines 9-11 & 48-50 & 62-63). Haartsen also teaches ceasing an established radio channel and originating a call to a party with a received telephone number (see col. 4, lines 8-10, col. 10, lines 18-22, and col. 11, lines 6-63). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the Jarett adapt to include receiving a telephone number over a radio channel or ceasing an established radio channel and originating a call to a party with a received telephone number

because this would allow for a method of selecting a channel for executing a communication from various communication channels.

Regarding claim 12 Jarett t teaches a communication terminal having a first radio unit configured to make radio communication with a base station, which is connected to a calling party, over a first radio channel having a first radio frequency band, and a second radio unit configured to make radio communication with another communication terminal by using a second radio channel having a second radio frequency band (see col. 3, lines 62-67, col. 4, lines 1-10, col. 47, lines 61-65). Jarett teaches establishing a first radio channel to a base station through a first radio unit and establishing a second radio channel to another communication terminal through a second radio unit (see col. 3, lines 62-66 and col. 4, lines 1-8). Jarett does not teach receiving information from a base station over a first radio channel, or sending received information to another communication terminal over a second radio channel while receiving information over a first radio channel. Haartsen teaches receiving information from a base station over a first radio channel (see col. 10, lines 33-38 and FIG. 3). Haartsen also teaches sending received information to another communication terminal over a second radio channel while receiving information over a first radio channel (see col. 6, lines 40-46). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the Jarett adapt to include receiving information from a base station over a first radio channel, or sending received information to another communication terminal over a second radio channel while receiving information over a first radio channel because this would allow for a method of selecting a channel for executing a communication from various communication channels.

Regarding claim 13 Jarett teaches a communication terminal that includes a master device connected to a public network over a wired channel (see col. 4, lines 6-9 and col. 9, lines 15-19).

Regarding claim 14 Jarett teaches another communication terminal that can make a second call connection through a base station to a calling party in accordance with a telephone number (see col. 10, lines 18-20 & 40-45). Jarett does not teach receiving a telephone number from a calling party connected to a base station when a radio channel to base station is connected by a first channel establishing section and a control that transfers an obtained telephone number to another communication terminal through a second radio channel, such that another communication terminal can make a second call through a base station to a calling party in accordance with a telephone number. Haartsen teaches receiving a telephone number from a calling party connected to a base station when a radio channel to base station is connected by a first channel establishing section and a control that transfers an obtained telephone number to another communication terminal through a second radio channel (see abstract, col. 6, lines 40-49 & 49-55 and FIG. 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the Jarett adapt to include receiving a telephone number from a calling party connected to a base station when a radio channel to base station is connected by a first channel establishing section and a control that transfers an obtained telephone number to another communication terminal through a second radio channel, such that another communication terminal can make a second call through a base station to a calling party in accordance with a telephone number because this would allow for communication connections between two uncoordinated networks.

Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jarett in view of Haartsen, Willars and Grubeck.

Regarding claim 4 Jarett, Haartsen, and Willars teach a device as recited in claim 1 except for a communication terminal with a transmission power of a first radio unit that is set to be sufficiently small compared to that of a second radio unit. Grubeck further teaches a communication terminal with a transmission power of a radio unit that is set to be sufficiently small compared to that of another radio unit (see col. 3, lines 13-15 and col. 5, lines 38-42). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include a communication terminal with a transmission power of a first radio unit that is set to be sufficiently small compared to that of a second radio unit because this would allow for reduced interference in a radio communication system.

Regarding claim 5 a device as recited in claim 4 is taught above except for a communication terminal with a transmission power of a second radio unit that is 1/10 or less of the transmission power of a first radio unit. Grubeck further teaches a transmission power of a radio unit that is 1/5 or less of the transmission power of another radio unit (see col. 5, lines 38-42). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include a communication terminal with a transmission power of a second radio unit that is 1/10 or less of the transmission power of a first radio unit because this would allow for reduced interference in a radio communication system.

Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jarett in view of Haartsen and Grubeck.

Regarding claim 15 Jarett, and Haartsen teach a device as recited in claim 12 except for a communication terminal with a transmission power of a first radio unit that is set to be sufficiently small compared to that of a second radio unit. Grubeck further teaches a communication terminal with a transmission power of a radio unit that is set to be sufficiently small compared to that of another radio unit (see col. 3, lines 13-15 and col. 5, lines 38-42). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include a communication terminal with a transmission power of a first radio unit that is set to be sufficiently small compared to that of a second radio unit because this would allow for reduced interference in a radio communication system.

Regarding claim 16 a device as recited in claim 15 is taught above except for a communication terminal with a transmission power of a second radio unit that is 1/10 or less of the transmission power of a first radio unit. Grubeck further teaches a transmission power of a radio unit that is 1/5 or less of the transmission power of another radio unit (see col. 5, lines 38-42). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include a communication terminal with a transmission power of a second radio unit that is 1/10 or less of the transmission power of a first radio unit because this would allow for reduced interference in a radio communication system.

Response to Arguments

Applicant's arguments with respect to claims 1 and 6 have been considered but are moot in view of the new ground(s) of rejection. Claims 11 and 12 do not recite a call to a party based on a telephone number that was received from a radio communication device connected to a base station therefore the combination of Jarett and Harrison teaches a device as claimed

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ito U.S. Patent 5,297,190 discloses a radio communication system.

Tokuyoshi U.S. Patent 6,377,806 discloses a mobile phone with communication channel switching determination unit.

Scott, II U.S. Patent 6,282,423 discloses a wireless communication system with selectable signal routing and method therefor.

Grau U.S. Patent 5,200,951 discloses an apparatus and method for transmitting messages between a plurality of subscriber stations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J Miller whose telephone number is 703-305-4222. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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July 11, 2003

WILLIAM TROST
SUPERVISORY PATENT EXAMINER
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